

In re Patent Application of:  
PURVIS ET AL.  
Serial No. 10/613,510  
Filed: JULY 3, 2003

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Amendments to the Drawings:

The attached drawing sheet includes changes to Fig.  
2. The changes made to the drawings are explained in the  
remarks section below.

**Attachment: Replacement Sheet**

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#### REMARKS

The Examiner is thanked for the thorough examination of the present application. FIG. 2 is amended to change reference character 36 to 34 and reference character 34 to 36. The specification is amended to correct minor informalities.

The patentability of the claims is discussed in greater detail below. Favorable reconsideration is respectfully requested.

#### I. The Claimed Invention

Independent Claim 1, for example, is directed to a guardrail system for a pitched roof of a building in which the pitched roof comprises a plurality of pitched roof members. The guardrail system comprises a plurality of end post supports each comprising a U-shaped body having a first segment for removably fastening to an end of a respective pitched roof member and having a second segment extending outwardly from the respective pitched roof member with a gap therebetween defined by the U-shape. Each end post support comprises a post receiver connected to an upper end of the second segment of the U-shaped body, and a stabilizer carried by the U-shaped body for extending against an adjacent wall portion below the pitched roof. The guardrail system further comprises a respective post carried by the post receiver of each end post support, and rail members connected between adjacent posts. Independent Claim 12 is directed to the endpost of Claim 1 and independent Claim 19 is a method counterpart of Claim 1.

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Independent Claim 15 is directed to a gable post support for a guardrail system for a pitched roof of a building. The gable post support comprises a body having a first end for removably fastening to a pitched roof member of the pitched roof along a gable portion thereof. The gable post support also comprises a post receiver carried by the body, and a stabilizer carried by a second end of the body for extending against an adjacent wall portion below the pitched roof.

Independent Claim 35 is directed to a temporary guardrail system for a pitched roof of a building, and the pitched roof comprising a plurality of pitched roof members. The guardrail system comprises a plurality of end post supports each comprising a body having a first segment for removably fastening to an end of a respective pitched roof member and having a second segment extending outwardly from the respective pitched roof member, a post receiver connected to an upper end of the second segment of the body, and a stabilizer carried by the body for extending against an adjacent wall portion below the pitched roof. The guardrail system also comprises a respective post carried by the post receiver of each end post support, and rail members connected between adjacent posts. Independent Claim 46 is a method counterpart to Claim 35.

## II. Claims 1-18 And 35-45 Are Patentable

The Examiner rejected independent Claims 1, 12, 15, and 35 as unpatentable over the Lewis patent. The Lewis patent discloses a fall arrestor for use in connection with a

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building having a roof under construction. In particular, the Lewis patent discloses "a fall arrest device that attaches to a wall of a building instead of the roof surface" as described at column 2, lines 27-31 and as illustrated in FIGS. 2 and 3.

In contrast, independent Claim 1, for example, recites a plurality of end post supports each comprising a U-shaped body having a first segment for removably fastening to an end of a respective pitched roof member and having a second segment extending outwardly from the respective pitched roof member with a gap therebetween defined by the U-shape. The Lewis patent fails to disclose such because the fall arrestors are attached to an upper portion of a wall as described at column 4, lines 19-29. Independent Claims 12, 15, and 35 recite features similar to Claim 1.

Accordingly, it is submitted that independent Claims 1, 12, 15, and 35 are patentable over the prior art. Their respective dependent claims, which recite yet further distinguishing features, are also patentable over the prior art and require no further discussion herein.

### III. Claims 19-34 And 46-51 Are Patentable

The Examiner rejected independent Claims 19 and 46 as unpatentable over the Lewis patent. The Lewis patent is discussed above.

In comparison, independent Claim 19, for example, recites connecting a plurality of end post supports to ends of respective pitched roof members. The Lewis patent teaches away from such by disclosing a fall arrest device attached to an upper portion of a wall as described at column 4, lines 19-

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29 and as illustrated in FIGS. 2 and 3. Further, the bracket of the fall arrestor device of the Lewis patent is disclosed as engaging the cap or top plate that extends horizontally along the upper edge of the wall as described at column 4, lines 29-38. Independent Claim 46 recites features similar to Claim 19 and is also patentable.

Accordingly, it is submitted that independent Claims 19 and 46 are patentable over the prior art. Their respective dependent claims, which recite yet further distinguishing features, are also patentable over the prior art and require no further discussion herein.

#### CONCLUSIONS

In view of the arguments presented above, it is submitted that all of the claims are patentable. Accordingly, a Notice of Allowance is respectfully requested in due course. Should any minor informalities need to be addressed, the Examiner is encouraged to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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